

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

TRACY THOMAS ET AL

CIVIL ACTION NO. 21-cv-2664

VERSUS

JUDGE ELIZABETH E. FOOTE

SAFECO INSURANCE CO OF OREGON

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Tracy Thomas (“Plaintiff”) filed this civil action in federal court against Safeco Insurance Company of Oregon. Plaintiff asserts state law claims and relies on diversity jurisdiction. That puts the burden on Plaintiff to set forth specific facts that establish complete diversity of citizenship and an amount in controversy in excess of \$75,000.

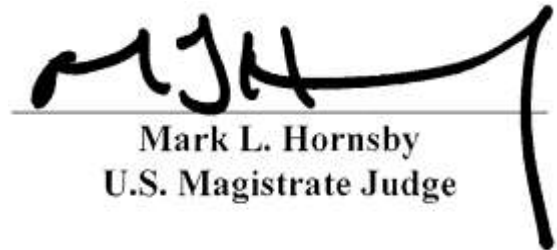
Plaintiff alleges that she is domiciled in Caddo Parish, which makes her a citizen of Louisiana. Plaintiff makes a general assertion that the amount in controversy is greater than the minimum jurisdictional amount. Her complaint does not set forth a particular amount of damages at issue, but it describes extensive property damages caused by a hurricane and asserts claims for not only property loss but also statutory penalties and attorney’s fees. That appears to satisfy the amount in controversy requirement.

Plaintiff describes Safeco as “a foreign insurance company authorized to do and does business in the State of Louisiana” To determine whether there is a basis for subject matter jurisdiction, the court will need specific information regarding whether Safeco is a corporation or some other form of entity. If it is a corporation, it is deemed to be a citizen of is deemed to be a citizen of both (1) the state in which it was incorporated

and (2) the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). If it is some other form of entity, its citizenship is determined by the citizenship of its members. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008).

The necessary information about Safeco may be provided in an amended complaint filed by Plaintiff, or it may be included in Safeco's answer. The court will not set a deadline at this time for the parties to provide the information, but the court will not hold a scheduling conference or otherwise move forward with the case until the information needed to ascertain subject matter jurisdiction is in the record.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 25th day of August, 2021.



Mark L. Hornsby
U.S. Magistrate Judge